

Garfield County

VACATION OF ROADS AND STREETS

The steps involved in petitioning for a standard road vacation are:

1. The primary petitioner makes a formal request to the Garfield County Board of Commissioners, in the form of a letter, for a petition to vacate a road. A drawing and description of the road area to be vacated should be included.
2. The primary petitioner prepares a petition application. This petitioner must obtain the signatures of the owners of the majority of the frontage on the road or portion thereof in the vacation request. Property ownership is verified for individuals signing the petition through the Garfield County Assessor's Office. The petition is returned to the Department of Public Works. If the petition is not returned to the Garfield County Department of Public Works within one year of issuance, the procedure is terminated.
3. Upon the filing of the petition and on being satisfied that the petition has been signed by petitioners residing in the vicinity of the county road or portion thereof, the board shall direct the county road engineer to report upon such vacation and abandonment.
4. When directed by the board the county road engineer shall examine any county road or portion thereof proposed to be vacated and abandoned and report his or her opinion as to whether the county road should be vacated and abandoned, whether the same is in use or has been in use, the condition of the road, whether it will be advisable to preserve it for the county road system in the future, whether the public will be benefited by the vacation and abandonment, and all other facts, matters, and things which will be of importance to the board.
5. The Garfield County Department of Public Works notifies all property owners within 300 feet of the perimeter of the requested area, the utility companies, fire districts, county departments, and any other agencies that may be affected by or have comments on the proposed vacation.
6. Notice of hearing upon the report for vacation and abandonment of a county road shall be published at least once a week for two consecutive weeks preceding the date fixed for the hearing, in the county official newspaper and a copy of the notice shall be posted for at least twenty days preceding the date fixed for hearing at each termini of the county road or portion thereof proposed to be vacated or abandoned.
7. (1) On the day fixed for the hearing, the county legislative authority shall proceed to consider the report of the engineer, together with any evidence for or objection against such vacation and abandonment. If the county road is found useful as a part of the county road system it shall not be vacated, but if it is not useful and the public will be benefited by the vacation, the county legislative authority may vacate the road or any portion thereof. Its decision shall be entered in the minutes of the hearing.
(2) As an alternative, the county legislative authority may appoint a hearing officer to conduct a public hearing to consider the report of the engineer and to take testimony and evidence relating to the proposed vacation. Following the hearing, the hearing officer shall prepare a record of the proceedings and a recommendation to the county legislative authority concerning the proposed vacation. Their decision shall be made at a regular or special public meeting of the county legislative authority.

8. The Board of County Commissioners will review the Hearing Examiner's report and recommendation for either approval or denial of the request (No county road shall be vacated and abandoned except by majority vote of the board properly entered, or by operation of law, or judgment of a court of competent jurisdiction). If approved, the Commissioners will pass a resolution vacating the road and the process is complete.

A note should be made that, under most circumstances, should the vacation be approved by the Board of County Commissioners, any property owner abutting the vacated area will receive one-half the vacated area where it adjoins his or her property.

Please take special note of the "Road Vacation Criteria", which states the criteria, which are considered in the review of a road vacation petition.

REVIEW CRITERIA

Road vacation petitions shall be reviewed according to the following criteria:

1. The proposed road vacation complies with the Garfield County Comprehensive Plan and any other applicable plans, policies, or ordinances.
2. Roads should not be closed, vacated, or abandoned when land uses or development plans, or occurring patterns, indicate their usefulness for area circulation. Prior to a vacation decision, an examination should be made of its probable effect on overall area circulation in the neighborhood. Single or multiple vacations should be considered a positive tool toward improving neighborhood circulation and accesses.
3. The effectiveness of fire, medical, law enforcement, or other emergency services should not be impaired by the closure, vacation, or abandonment of county roads. Appropriate authorities should be consulted with respect to this policy.
4. Roads should not be closed, vacated, or abandoned when such routes can effectively be used for utility corridors. Suitable utility easements could be retained as a means of satisfying this policy. Public and private utility companies and their plans should be consulted with respect to this policy. (In accordance with R.C.W. 36.87.140, the Board of County Commissioners may retain an easement within the subject vacated area for the construction, repair, and maintenance of public utilities and services).
5. Roads should not be closed, vacated, or abandoned when such routes can effectively be used for trails or pathways. Suitable trail easements could be retained as a means of satisfying this policy. The Garfield County Parks, Recreation, and Open Space Plan should be used as a guide to determine trail needs.
6. In compliance with R.C.W. 36.87.130, no county road or part thereof should be vacated that abuts on a body of salt or fresh water, unless the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage, or launching sites or for park, viewpoint, recreational, education, or other public purposes, or unless the property is zoned for industrial purposes.
7. The proposed vacation will not land lock any parcel of property.